

## **REMARKS**

### **CLAIM REJECTIONS - 35 U.S.C. § 102**

Claims 1, 2, 4, 10-12, 46, 47, 49 and 76-78 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,134,445 issued to Gould et al. (*Gould*). Applicant submits claims 1, 2, 4, 10-12, 46, 47, 49 and 76-78 are not anticipated by *Gould* for at least the reasons set forth below.

Independent claim 1 recites, in part, receiving the wireless data transmission wherein the wireless data transmission originates from multiple transmit antennae. Claims 46 and 76 recite similar limitations. The Office action cites *Gould* as teaching the limitations of claim 1. *Gould* discusses adapting a wireless terminal to measure signal propagation characteristics. See Abstract. Specifically, *Gould* is cited as disclosing receiving a wireless data transmission that originates from multiple transmit antennae. However, the cited portion of *Gould* discusses different signal transmissions sent from different base station radios being measured by a wireless terminal in test mode. See column 5, lines 40-46 and column 6, lines 1-3. A subtle but significant difference between *Gould* and claim 1 is that *Gould* does not teach or disclose receiving *a* (i.e., single) data transmission that originates from multiple transmit antennae (e.g., through the use of spatial multiplexing). Thus, *Gould* fails to disclose at least one limitation of claim 1. Therefore, Applicant respectfully submits claims 1, 46 and 76 are not anticipated by *Gould*.

Claims 2, 4 and 10-12 depend from claim 1. Claims 47 and 49 depend from claim 46. Claims 77-78 depend from claim 76. Given that dependent claims necessarily include the limitations of the claims from which they depend, Applicant respectfully submits claims 2, 4, 10-

12, 47, 49 and 77-78 are not anticipated by *Gould* for at least the same reasons claims 1, 46 and 76 are not anticipated.

CLAIM REJECTIONS - 35 U.S.C. § 103

*Dependent Claims 3, 5-9, 13-15, 48, 50-56, 74, 75 and 79-83*

Claims 3, 5-9, 13-15, 48, 50-56, 74, 75 and 79-83 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gould*, and further in view of various other cited references: specifically, claims 3, 5 and 48 in view of U.S. Patent No. 6,141,388 issued to Servais et al. (*Servais*); claims 6, 13 and 14 in view of U.S. Patent No. 6,732,323 issued to Mitlin et al. (*Mitlin*); claim 8 in view of U.S. Patent No. 5,682,489 issued to Harrow et al. (*Harrow*); claim 15 in view of Japanese Patent No. JP405322946 issued to Fujii et al. (*Fujii*); claim 7 in view of *Servais* and *Mitlin*; claim 9 in view of *Servais* and *Harrow*; claim 50 in view of *Servais* and further in view of U.S. Patent No. 6,636,994 issued to Waschura et al. (*Waschura*); claims 51, 56 and 83 in view of U.S. Patent No. 5,715,136 issued to Noe et al. (*Noe*); claims 52 and 55 in view of U.S. Patent No. 5,136,528 issued to Fordham et al. (*Fordham*); claim 53 in view of *Servais*, *Waschura*, and *Noe*; claim 54 in view of *Servais*, *Waschura*, and *Fordham*; claims 74, 75 and 82 in view of U.S. Patent No. 5,325,403 issued to Siwiak et al. (*Siwiak*); claims 79 and 80 in view of U.S. Patent No. 6,898,248 issued to Elgamal et al. (*Elgamal*); and claim 81 in view of *Elgamal* and *Waschura*. Applicant notes that the examination of the claimed invention and the application of these numerous references is a significant task; Applicant thanks the Examiner for the thorough examination and the thorough analysis of the references.

Applicant respectfully submits that claims 3, 5-9, 13-15, 48, 50-56, 74, 75 and 79-83 are not rendered obvious by the cited references for at least the following reasons. Each of the rejections made above is based on the application of *Gould*, shown above to be defective with

respect to independent claims 1, 46 and 76 from which each of the above-listed dependent claims depends. The cited references do not cure the deficiencies of *Gould* noted above with respect to the independent claims. Applicants respectfully submit that a prima facie case of obviousness under MPEP § 2143 has not been established with respect to independent claims 1, 46 and 76 at least for failing to establish that the cited references disclose every element of the claimed invention. Because the independent claims are nonobvious, the dependent claims are also nonobvious. See MPEP § 2143.03.

#### Claims 84-88

Independent claim 84 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gould* in view of *Siwiak*. Applicant respectfully submits claim 84 is not obvious in view of *Gould* and *Siwiak* for at least the reasons described below.

Claim 84 recites, in part, a receiver to receive a wireless transmission that originates from multiple transmit antennae. As discussed above with respect to claim 1, *Gould* fails to teach or disclose receiving a wireless transmission that originates from multiple transmit antennae. *Siwiak* is cited as teaching a *receiver* comprising multiple antennas creating diversity reception for receiving wireless radio signals. Whether or not *Siwiak* teaches or discloses the limitations cited in the Office action, *Siwiak* does not teach or disclose a receiver to receive a wireless transmission that originates from multiple transmit antennae. Thus, *Siwiak* fails to cure the deficiencies of *Gould*. Therefore, Applicant submits claim 84 is not obvious in view of *Gould* and *Siwiak*.

Claims 85-88 depend from claim 84 and necessarily include the limitations of claim 84. Claims 85-88 were rejected as being obvious in view of *Gould* and *Siwiak* and further in view of various other cited references. However, the cited references do not cure the deficiencies of

*Gould* and *Siwiak* discussed above with respect to the limitations of claim 84. Therefore, Applicant submits claims 85-88 are non-obvious for at least the same reasons claim 84 is non-obvious.

CONCLUSION

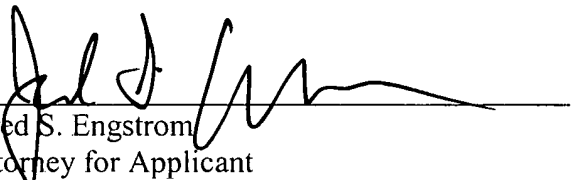
In view of the amendments and remarks set forth above, Applicant submits that claims 1-15, 46-56 and 74-88 are in condition for allowance and such action is respectfully solicited. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
**BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP**

Date: \_\_\_\_\_

10/12/06

  
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